

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: SORIN 3T HEATER-COOLER)	MDL DOCKET NO. 2816
SYSTEM PRODUCTS LIABILITY)	Civil Action No. 1:18-MD-2816
LITIGATION (NO. II))	
)	Hon. Karoline Mehalchick
)	
)	THIS DOCUMENT RELATES TO:
)	ALL CASES

**LEAD COUNSEL’S UNCONTESTED MOTION TO ARCHIVE
PLAINTIFFS’ ESI DATABASE**

Pursuant to CMO 5, Lead Counsel respectfully moves for permission to archive Plaintiffs’ electronically stored information (“ESI”) database, and in support thereof states as follows:

1. Pursuant to CMO 5 entered on June 19, 2018, Lead Counsel was tasked with, *inter alia*, establishing an ESI database to provide all plaintiffs’ counsel the ability to access and review discovery documents and common benefit work product.

2. On or about July 6, 2018, Lead Counsel entered into a contract with Golkow Litigation Services (“Golkow”) for hosting and maintenance of the ESI database. Veritext, LLC Mountain Region (“Veritext”) has since assumed this responsibility.

3. Presently the ESI database consists of 98.8 Gigabytes of data.

4. Since July 2018, various plaintiffs’ counsel in the litigation have been provided open access the ESI database pursuant to executed Participation Agreements.

5. Lead Counsel has been and still is billed monthly for Veritext’s services. Lead Counsel has been unfairly obligated to pay such charges even though neither

LivaNova nor plaintiff firms who access the data reimburse these charges. Settling plaintiffs only pay .19% of the total settlement proceeds for common benefit expenses. Such amounts have not covered the monthly hosting fee for the ESI database. Lead Counsel has defrayed ongoing common benefit fees to assist in making the monthly payments of \$1,480.00 to host the data.

6. As the majority of the actions in this MDL have now resolved, Lead Counsel now moves for permission for Veritext to archive the ESI database to avoid the continuing monthly hosting expense.

7. Lead Counsel has been advised by Veritext that the ESI database can be temporarily archived and reestablished over the course of 5-10 business days at an approximate cost of \$1,750.00.

8. Through this Motion, it is Lead Counsel's intent that financial responsibility for the ESI database equitably shift to the litigating plaintiffs who may still need access to the documents contained therein.

9. Lead Counsel has conferred with Counsel for LivaNova who has advised they do not contest this Motion.

WHEREFORE, Lead Counsel respectfully requests that the Court enter the attached Order granting Lead Counsel permission to terminate its contract with Veritext, archive the ESI database, and give litigating plaintiffs' counsel 90 (ninety) days to enter into a new contract with Veritext to reestablish the ESI database.

Dated: June 12, 2025

Respectfully submitted,

ANAPOL WEISS

/s/ Sol H. Weiss

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CERTIFICATE OF CONCURRENCE

I hereby certify that the foregoing Motion is unopposed and has the concurrence of Defendant, LivaNova USA, Inc.

/s/ Sol H. Weiss

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2025, I electronically served the foregoing Motion on all counsel of record in this action using the CM/ECF system.

/s/ Sol H. Weiss